

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

DOCKET NO. 14-CR-10168-FDS

KEVIN SANDERSON

ASSENTED TO MOTION TO CONTINUE

NOW COMES the defendant, Kevin Sanderson, by and through counsel, and hereby moves this Court to continue his July 10, 2015 Rule 11 Hearing to a later date.

In support of this Motion, the defendant states as follows:

1. The defendant is scheduled to appear in this Court for Rule 11 Hearing on July 10, 2015, at 10:00 a.m..
2. One of the potential issues that could affect the Defendant's sentence is whether or not he is a career offender.
3. One of the defendant's potential career offender predicate convictions is a resisting arrest conviction from the Dorchester District Court.
4. Johnson v. United States, 576 U.S. \_\_\_\_ (June 26, 2015) a case dealing with the residual clause of the armed career criminal act, potentially implicates the career offender guideline provision and as a result the defendant's potential sentence.
5. Both parties have questions with respect to the implications of the Johnson decision on the career offender determination in the instant case with respect to the defendant's prior resisting arrest conviction. The career offender issue in the instant case will have a dramatic impact on the advisory guideline range in the instant case.

6. Given the dramatic impact the career offender issue could have on the defendant's sentence, the defendant on this date is filing an Assented to Motion for a Pre-Plea Pre-Sentence Report to evaluate the career offender issue.
7. As a result, given the time necessary to draft the Pre-Plea Pre-Sentence Report, if allowed by this Court, the defendant requests a continuance of the Rule 11 Hearing.
8. In addition, the undersigned counsel has prepaid vacation plans out of the State of New Hampshire from July 31 through August 17, 2015; is scheduled for CJA Duty at the U.S. District Court of Massachusetts on July 16, 2015; and is scheduled to begin a Jury Trial at the Lawrence District Court in Commonwealth v. D. Andino on July 28, 2015;
9. That the Government has been contacted and assents to the Motion to Continue.

WHEREFORE, the defendant, Kevin Sanderson, respectfully requests that this Court continue the July 10, 2015 Rule 11 Hearing.

Respectfully submitted  
Kevin Sanderson,  
By his Attorney,

Date: July 9, 2015

/s/Paul J. Garrity  
Paul J. Garrity  
Bar No. 555976  
14 Londonderry Road  
Londonderry, NH 03053  
603-434-4106

CERTIFICATE OF SERVICE

I, Paul J. Garrity, herein certify that on this 9<sup>th</sup> day of July, 2015, a copy of the within Motion to Continue was efiled to all parties on record and was mailed, postage prepaid, to Kevin Sanderson.

/s/Paul J. Garrity\_\_\_\_\_  
Paul J. Garrity